

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

RODERICK J. BROWN

PETITIONER

V.

CIVIL ACTION NO. 4:09CV148 DPJ-FKB

WARDEN JACQUELYN BANKS, ET AL.

RESPONDENTS

ORDER

This cause is before the Court on the Report and Recommendation of Magistrate Judge F. Keith Ball. The undersigned has reviewed the Report and Recommendation and concurs with Judge Ball's recommendation that the petition should be dismissed as time-barred pursuant to 28 U.S.C. § 2244(d).

Petitioner did not file an objection to the Report and Recommendation, which was entered on March 24, 2010. On April 21, 2010, the Court, out of an abundance of caution, ordered a copy of the Report and Recommendation be sent to Petitioner at his new address and allowed Petitioner an additional fourteen (14) days to file objections.¹ Over one month has now elapsed since the Court re-mailed the Report and Recommendation, and Petitioner has not filed any objection.

IT IS, THEREFORE, ORDERED that the unopposed Report and Recommendation of United States Magistrate F. Keith Ball be, and the same is hereby, adopted as the finding of this Court, and the same entire action should be dismissed with prejudice.

¹ Any objections were originally due April 9, and Petitioner filed a change of address on April 12, 2010.

A separate judgment will be entered herein in accordance with the Order as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED AND ADJUDGED this the 26th day of May, 2010.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE